

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 27, 2009
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Kohlstrand called the meeting to order at 7:03 p.m.

FLAG SALUTE: Board member McNamara

ROLL CALL:
PRESENT: President Kohlstrand, Vice-President Ezzy Ashcraft
Board members Autorino, Cunningham, Cook, and
Lynch were present upon roll call.

STAFF PRESENT: Andrew Thomas, Planning Services
Manager/Secretary to the Planning Board; Assistant
City Attorney Mohammed Hill, Planner Douglas
Garrison, Nancy McPeak, Executive
Assistant/Recording Secretary

MINUTES:
Minutes from the meeting of March 9, 2009
Continued to the meeting of May 11, 2009

Minutes from the meeting of March 23, 2009
Continued to the meeting of May 11, 2009

5. AGENDA CHANGES AND DISCUSSION:

Staff requested continuance of Items 9A and 9B to a future meeting date to correct the ad language and issue a corrected notice to the neighbors.

Board members requested that Item 8A be moved from the consent calendar to a regular item 9A.

6. STAFF COMMUNICATIONS:

Written Report

6-A. Future Agendas

Staff provided an update on upcoming Planning Board agenda items.

6-B Zoning Administrator Report

At the Zoning Administrator meeting of April 7, 2009 the Zoning Administrator referred Agenda items 9A and 9B items to the Planning Board for review.

At the Zoning Administrator meeting of April 21, 2009 the Zoning Administrator approved a Variance for 555 Haight Street and the Use Permit for the Farmer's Market at Webster Street.

7. ORAL COMMUNICATIONS:

- * Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

NONE

8. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.

- 8-B. Zoning Amendment – PLN08-0491 – 550 Park Street.** The applicant requests rezoning the property to permit a 24-foot maximum building height, with a 10-foot front yard setback and a 40-foot rear yard setback for the second story. The current Zoning standard requires a 20-foot front yard setback and a 15-foot maximum building height. The Planning Board will be making a recommendation to the City Council on the proposed rezoning. (DB)

The applicant is requesting a continuance of this item to a future meeting date. The item will be re-noticed.

- 8-C. Technical Amendments to the Community Improvement Plans for the Business and Waterfront Improvement Project and the West End Community Improvement Project – Applicant – City of Alameda.** The City of Alameda Planning Board will consider the recommendations of the Community Improvement Commission and Economic Development Committee to amend the Community Improvement Plans for the Business and Waterfront Improvement Project (BWIP) and West End Community Improvement Project (WECIP). The adopted 2003 fifth and fourth amendments to the BWIP and WECIP plans, respectively, merged the BWIP and WECIP areas and their required tax increment dollar limit, plus created the Exchange Area. The Exchange Area, previously a part of the Alameda Point Improvement Area, was added to BWIP in the fifth amendment. The proposed ninth and seventh amendments to the BWIP and WECIP plans, respectively, will clarify that the tax increment dollar limit, which applies to all plans and amendments adopted prior to January 1, 1994, is applicable to the original BWIP and WECIP areas but not to the Exchange Area. (JJ-DSD)

Board member Cunningham moved/Vice-President Ezzy Ashcraft seconded the motion to approve the consent items. The motion carried 7-0.

9. REGULAR AGENDA ITEMS:

8-A. Bay Friendly Landscaping Ordinance – Applicant – City of Alameda. The Planning Board will consider a proposed Alameda Municipal Code amendment related to creation of a Civic Bay Friendly Landscaping Ordinance requiring sustainable landscaping practices for City and public-private partnership projects or renovations that equal or exceed \$100,000 in construction costs. (DV).

Vice-President Ezzy Ashcraft voiced concerns that the proposed ordinance is not tailored to the needs of the island community and requested an amendment to the ordinance. The amendment is at the end of the paragraph at Section 30-60.1: “, and to incorporate green infrastructure technologies wherever possible including, but not limited to green grids, street edge alternatives and green alleys.” at the end of the paragraph and to amend the definition section accordingly.

Board member Lynch asked for clarification why this ordinance is limited to city-owned and public-private partnerships as opposed to all projects.

Staff explained that the City had taken the direction to first impose any ‘green’ ordinances on itself first, to show leadership, and to then reach out to the larger community and develop support for such ordinances.

Board member Lynch requested information on whether the threshold for projects that trigger the ordinance (\$100,000) would apply to cumulative project costs or per bid and he requested an update on the efficiency of the ordinance in 12 months.

Staff explained that the ordinance makes provisions for projects under \$100,000 that the intent of the ordinance be met, while projects over \$100,000 would definitely meet the ordinance and agreed to bring this back for an ordinance review in twelve months.

Board member Cunningham asked whether this ordinance is only triggered by landscaping projects or also through projects that come in as building permits. He also asked why the ordinance only required that an applicant attain of 60 points, as opposed to requesting more points to improve the landscaping efficiency.

Staff clarified that the ordinance is only triggered through the landscaping permits process and proposed to amend the ordinance as needed upon return in 12 months.

Board member Cook stated that the new ordinance should include language to help clarify the minimum requirements. To this end, she added that on page 5, 30-60.3A ‘... all covered projects shall meet the most recent minimum Bay-friendly landscape points and complete the nine required best practices’ should be included in the ordinance language.

Vice-President Ezzy Ashcraft moved as amended/Board member Lynch seconded the approval of the ordinance. The motion passed 7-0.

9-A. Use Permit – PLN09-0054 – 2217 South Shore Center – Trader Joe’s. The applicant is requesting a use permit allowing deliveries to the store outside the hours of 10:00 pm to 7:00 am. (LA)

President Kohlstrand clarified that the projects 9A and 9B would be renoticed and that the Planning Board would not make a decision on these projects, but would take public testimony on both items.

Staff presented information on both projects 9A and 9B.

Board member Cook asked how the present deliveries outside of the permitted hours of deliveries were approved in the past.

Staff clarified that these deliveries outside of the permitted hours for Alameda Towne Centre had not been approved and that all businesses had been placed on notice of the violation and that they were instructed the required Use Permit.

Board member Autorino asked for clarification on the hours of operation for Trader Joe and Big 5.

Board member Cook clarified that the hours of operation for Trader Joe are from 9 am to 9 pm.

Vice-President Ezzy Ashcraft asked whether there was round-the-clock staff present at both stores to receive the deliveries during the off hours.

D. Smith, Big 5 Sporting Goods, commented that their store had staff present to accept deliveries during the non-business hours.

B. James, Assistant Manager Trader Joe’s, spoke on behalf of the company and their need to have extended hours. He stated that Trader Joe’s staff had met with neighbors, are aware of the neighbors’ concerns about truck traffic, and that Trader Joe’s had reduced the extended hours request from 24/7 to one hour on either end of the permitted business hours to meet the neighborhood’s needs.

M. O’Malley, Sales Captain Trader Joe’s, also spoke on behalf of the company and staff’s continued effort to balance the store’s needs and ensure workers’ safety, while respecting neighbors’ noise concerns by quickly offloading any deliveries.

Vice-President Ezzy Ashcraft asked whether the proposed extended hours would accommodate the business needs.

M. O’Malley affirmed that small extra window of an hour on either end of the business hours, would allow the store to function.

Board member Cunningham asked if added staffing in the morning would be feasible.

M. O'Malley stated that they had already increased staffing for the morning shifts, but that from a business standpoint, it would not be feasible to add additional staff for the 2 hour window in which off-loading and restocking occurs.

C. Healey commented that the businesses should move the delivery hours to the normal business hours to lessen the impact of trucks in the residential areas and that they should flex their staffing needs accordingly.

M. Radding, representing Alameda Neighbors United, distributed letters from neighbors against the truck traffic and described the negative impacts of truck traffic. He commented that truck traffic should be limited to normal business hours to reduce noise and improve quality of life for the residents of Alameda.

H. Sellers stated that the truck survey conducted by the Alameda ATC security company was misleading, as the survey was started after the holiday season, when truck traffic is naturally lower. She also pointed out that the Alameda Police Department has been unable to enforce the current truck traffic limitations and allowing the proposed Use Permits would make it more difficult to ensure compliance. She presented a video depicting the truck traffic on the non-truck-route portion of Otis Drive.

D. Radding, also representing Alameda Neighbors United, read sample quotes from the submitted letters and requested that the Planning Board deny the Use Permits.

M. Corbitt, Alameda Towne Centre General Manager, spoke about the business' economic viability that would be impacted by a restrictive delivery policy and the efforts that have been undertaken to address neighbors' concerns.

Vice-President Ezzy Ashcraft asked for clarification on the construction occurring in the alley way between Applebee's and Trader Joe's.

M. Corbitt clarified the scope of work and timeline.

President Kohlstrand closed the public comment portion.

Board member Autorino asked how the trucks are scheduled for delivery and asked whether Big 5 would be able to deliver at a later time.

B. James explained that they have pushed back the delivery time from 3 am to 7 pm, but that it significantly impacts the truck drivers' time lines as they conduct linked deliveries across California. They have asked for this Use Permit, as the City has placed them on notice.

Vice-President Ezzy Ashcraft asked why two delivery days would be required, opposed to only one day.

B. James answered that two week deliveries are extremely rare, but that in the process of applying for this Use Permit, it was a prudent move on their part to ask for two days just to be covered.

Board member McNamara discussed the early delivery hours for Trader Joe in the earlier part of the year.

O'Malley explained this issue.

Board member Lynch asked whether the Use Permits coming before the Planning Board were initiated by the Alameda Police Department or Code Enforcement.

Staff explained that the Use Permits are a result of enforcement action by Code Enforcement.

President Kohlstrand closed the public comment period.

Board member Lynch discussed the difficulty of coordinating many different hours of operation for the various stores and cautioned against a piecemeal approach.

Vice-President Ezzy Ashcraft recommended coming back to the next hearing with a compromise between all those involved, that balances the needs of the neighborhood with the traffic demand on the legally protected truck route, as well as maintaining the economically viable center.

Board member Autorino stated that it appears that the enforcement of the hours of operation and truck delivery could be improved on.

Board member Cook would like the discussion at the next Planning Board meeting to focus on the enforcement of delivery hours of the center.

Board member McNamara asked what the enforcement process is through Code Enforcement.

Staff explained the Code Enforcement citation process that would be leveraged upon the property owners and/or the Use Permit holders.

President Kohlstrand summarized the discussion and asked that staff return with information on which businesses really need the extended hours of operation, and which can manage without the special accommodations.

Board member Cunningham requested that staff return with information which stores are out of compliance what their reasons are for non-compliance.

Board member Lynch requested that staff return to the Planning Board with a legal interpretation that relays which un-permitted truck activities can be considered through code compliance and those under police compliance.

Vice-President Ezzy Ashcraft moved/seconded by Board member McNamara to continue the item to an unspecified date. Motion passed 7-0.

9-B. Use Permit – PLN09-0073 – 325 Park Street – Big 5 Sporting Goods. The applicant is requesting a use permit allowing deliveries to the store outside the hours of 10:00 pm to 7:00 am. (LA)

Vice-President Ezzy Ashcraft moved/seconded by Board member Autorino to continue the item to an unspecified date. Motion passed 7-0.

9-C. Planned Development Amendment, Major Design Review – PDA05-0004, DR05-0073 and Tentative Parcel Map PLN08-0507 – 523 South Shore Center. The applicant requests approval of the following entitlements: 1) A tentative parcel map reconfiguring 4 existing parcels into 6 parcels (This will not result in an increase in the size of the shopping center or in the intensity of use); and 2) Planned Development Amendment and Major Design Review permitting the continued phased redevelopment of the shopping center. The plans for this project have been amended from earlier proposals that included an expansion to 706,650 square feet of gross leasable area (GLA) and most recently 681,000 square feet of GLA. The current proposal includes up to 657,000 square feet of GLA. Current plans include redevelopment of the southeast corner (shoreline area) of the site, reconstruction of the existing buildings in the northwest corner of the property, one new 1,700 square foot building adjacent to and west of T.J. Maxx, a reduction in parking requirements, new pedestrian, bicycle and transit improvements, and other minor site improvements. (DG).

Staff presented a powerpoint presentation on the project.

Vice-President Ezzy Ashcraft asked if a bike lane would run along Park Street between Otis and Shoreline.

Staff responded that that was undetermined at this time.

Board member Cunningham asked for clarification on the pedestrian pathways throughout the site.

Staff explained the planning process for widening the pathways throughout the site.

Board member Cook asked how the new resolution has incorporated all site and proposal specific conditions of approval that have been adopted in the past.

Staff explained the development process of the new resolution.

President Kohlstrand opened the hearing for public comment.

P. Curtin, Harsh Investment Legal Counsel, requested a modification to condition # 18 that pertains to the widening of the sidewalk along Park Street. She stated that the condition should not be imposed on the applicant, as the burden of proof has not been provided that there is a nexus between the project before the Planning Board and the condition as imposed. She also commented on the request as stated in the project that more square footage be approved than is stated in the submitted master plan. The intent is to streamline the development and entitlement process for any future expansion, once the economy has stabilized.

H. Sellers commented that the staff report and the proposal do not contain sufficient information to make a decision on this project, as a several information requests by the Planning Board members had not been provided to this date, nor had all conditions been completed as required in previous resolutions. She requested that the PDA approval be put on hold, until all conditions of approval have been satisfied and until the center is fully occupied and parking analysis is reevaluated.

K. Bay supports the planned development of the center, provided that the land use of the waterfront be zoned and used for restaurant use only.

President Kohlstrand closed the public comment period.

Vice-President Ezzy Ashcraft asked Mr. Kite, Director Harsch Investment, what the anticipated uses are for the area along South Shore Beach waterfront. Mr. Kite explained that the proposed uses would be restaurants.

Board member Cook requested that the proposed uses would be included in the resolution limiting the buildings 1800 A and B would be dedicated to beach and recreation oriented businesses.

Board member Cunningham asked how landscaping, traffic, design layout and building synergy would be impacted should the realigned parcels be sold off in the future.

Mr. Kite explained that the lot line adjustment is largely motivated by the financing strategy that can be implemented once the process is complete.

Staff clarified that the existing access easements, planned development conditions and use permits would stay with the land and would remain in effect, regardless of ownership.

Board member Cook asked about the landscaping with palm trees along Otis. She also asked whether the public and the planning board could still receive a comparison table showing what was approved in 2003 versus what is to be approved in 2009.

Staff explained that the landscaping as approved in 2003 has been slightly changed by excluding trees in the subsequent site layout.

President Kohlstrand temporarily closed the discussion session to continue to the next agenda item 9D.

President Kohlstrand reopened the discussion on how the Planning Board should address the discrepancy between the total square footage in the different submittals.

The Planning Board agreed that permitted uses for the waterfront buildings 1800 A&B should be limited to sit-down restaurants and waterfront recreation, and conditionally permit other uses, excluding drive-through facilities.

The Planning Board agreed that the site design for buildings 1800 A& B needs to be waterfront- and pedestrian-oriented, with a clear connection to the shopping center through a pedestrian promenade. The design review of any new or rehabilitated waterfront buildings in Phase II shall be brought to the Planning Board for review.

Vice-President Ezzy Ashcraft moved/ Board member Lynch seconded to continue the meeting and discussion of 9-C past 11:30 pm. Motion passed 7-0.

The Planning Board members came to the conclusion that the landscaping and parking configuration in the center is agreeable.

The Planning Board discussed whether the sidewalk along Park Street between Shoreline Drive and Otis should be widened from three feet to five feet upon Alameda Towne Centre. They concluded that the nexus was given between widening the sidewalk and the development of the site.

Board member Autorino motioned/ Board member Cunningham seconded the motion to approve the resolution for the Planned Development Amendment as amended. Motion passed 6-1-0.

Board member Cook was concerned that the increase in square footage in the center decreased the possibility to include more pedestrian and bike access routes.

Board member Cunningham moved/seconded by Vice-President Ezzy Ashcraft to approve the Tentative Tract map. Motion passed 7-0.

9-D. Consideration of a Zoning Overlay District – PLN08-0194 – Limiting the Size of Two-Story Residential Buildings – Applicant – City of Alameda. The Planning Board will conduct a hearing to consider proposed limitations on height and size of two-story residential buildings and new design standards for structures located within the area shown on the map below. (DG)

Board member Cunningham moved to continue the item to the following meeting on May 6, 2009/seconded by Board member Lynch. In favor 7-0.

- 9-E. Design Review – DR05-0132 for a new single family dwelling – 3295 Adams Street – Applicant – Forrest Reed.** The applicant proposed to construct an approximately 2,700 square foot, two-story single family dwelling with a 417 square foot attached garage on a vacant, 5,172 square foot lot. (DG)

Board member Cunningham moved to continue the item following meeting May 6, 2009/seconded by Board member Lynch. In favor 7-0.

10. WRITTEN COMMUNICATIONS:

None.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

Vice-President Ezzy Ashcraft recommended that the board members review the Perforce building along Oak Street.

12. ADJOURNMENT:

11:28 p.m.

Respectfully submitted,

Andrew Thomas, Secretary
City Planning Board

This meeting was audio and video taped.